

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEIGHBORHOOD ASSOCIATION
OF THE BACK BAY, INC.,

Plaintiff,

v.

FEDERAL TRANSIT
ADMINISTRATION and
MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Defendants.

CASE NO.: 04-11550-RCL

DEFENDANT FTA'S ASSENTED-TO MOTION FOR LEAVE TO EXCEED PAGE LIMITS

By this Motion, defendant FTA seeks leave of court to exceed, by a maximum of fifteen pages, the page limit of L.R. 7.1 in the brief defendant will file in this action next week. As grounds therefor, defendant states that the claims at issue concern agency action taken pursuant to federal historic preservation and transportation laws, implicate five statutes and two complex statutory and regulatory schemes, and involve an administrative record of proceedings that occurred over twelve years, which defendant is summarizing at the front of its brief for the convenience of the Court and to make clear the context of the arguments presented by the parties. In addition, defendant FTA's brief will be a combined opposition to plaintiff's motion for summary judgment, and a memorandum in support of defendant's own cross-motion for summary judgment .

Both plaintiff and defendant MBTA have assented to this motion and the relief sought herein.

WHEREFORE, defendant respectfully requests that the Court grant this Motion and enter

an order allowing the FTA to file an over-length brief not to exceed 35 pages.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: 21 March 2005

By: /s/ Barbara Healy Smith
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CERTIFICATE OF SERVICE

I certify that on March 21, 2005, I caused a copy of the foregoing to be served via e-mail to:

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/s/ Barbara Healy Smith
Barbara Healy Smith
Assistant U.S. Attorney

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that on 21 March 2005, she contacted plaintiff's counsel and co-defendant's counsel regarding the grounds for and relief requested by this motion and the attorneys assented to both.

/s/ Barbara Healy Smith
Barbara Healy Smith
Assistant U.S. Attorney